

DIST/OFFICE	DOCKET YR.	NUMBER	FILED DATE MO. DAY YEAR	J	N/S	O	R	23	\$	DEMAND OTHER	DOCKET NUMBER	DOCKET DEM.	YR.	NUMBER
1085/4	75	0459	10 1 75	4	440	02	12			328	8509	D	75	0459-B

PLAINTIFFS

DEFENDANTS

SMALL, Raetta

SAFEWAY STORES, INC.

Civil action based on diversity under 28 USC Sec. 1332 (a)(1) removed under provision of 28 USC Sec. 1441(a) in which the Plaintiff seeks damages from the defendant by reason of a claimed malicious prosecution and/or false arrest arising out of Criminal Action No. CRF 75-808, The State of Oklahoma vs. Raetta Small, in the District Court of Tulsa County, Oklahoma, a prosecution for obtaining merchandise by bogus check

ATTORNEYS

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<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	11-1-75
				JS-6	1-1-77

DATE	NR.	PROCEEDINGS
10-1-75	1.	Petition for Removal of Safeway Stores, Inc., filed. (Verification of Peter A. Magowan, Vice President of Safeway Stores, Inc., attached.)mm
10-1-75	2.	Bond on Removal, filed.mm
10-1-75	3.	Notice of Filing of Petition & Bond for Removal, filed. mm
10-1-75	4.	Receipt of Filing Petition for Removal, filed.mm
10-1-75	5.	Notice of Taking Deposition of Raetta Small, plaintiff, filed. mm
10-1-75	6.	Motion for Extension of Time of Deft. Safeway Stores of 15 days to file Answer or Response, filed. mm
10-1-75	7.	Order Extending Time to the deft. Safeway Stores, Inc. of 15 days, filed. (JCS-C) cps mld mm
10-17-75	8.	Deft's notice of taking deposition of Sharon Wright Bennet on 10-23-75 at 11:00 a.m. at Tulsa, OK, filed.k Deft.,
10-21-	9.	Ans. of/Safeway Stores, Inc., filed.jj
11-21		Depositions of Raetta Small and Tommy Glenn Small taken on 10-15-75, filed. ph (\$112.50 pd by deft.)
1976		
1-23	MO:	Parties are directed to hold PT conf. on or before 3-5-76 & file PT Order on or before 3-12-76. (AEB-J)ph cps by cert ml
2-4		Depo. of Sharon Wright Bennett, on behalf of Deft., taken before Donald R. Lindquist on October 23, 1975. Depo Costs \$58.50,pd by deft.t
3-26	10	Pltf's Proposed pre-trial order,filedwith jury trial demand.t
5-21	11.	Deft's proposed pre-trial order, filed.k cps mld
5-26	MO:	Case is set for jury trial on 6-23-76, at 10:00 A.M.(AEB-J)b nts mld w/affid.
6-11	MO:	Case moved to docket on 6-14-76, 9:30 A.M. for selection of jury. (AEB-J)b nts by phone
6-11	12.	Deft's Voir Dire questions requested, filed. b <i>copy to m.c.</i>
6-14	13.	Return on USM service of subpoena, filed. Served Sharon Lowery and David Lowery on 6-7-76 at Tulsa, Ok. Served Tommy Glenn Small, on 6-7-76 at Tulsa, Ok. Served Sharon Wright Bennett and Danny J. Bennett on 6-11-76 at Tulsa, Ok.s
6-14		Case called for jury trial. Parties present for selection of jury. Jury selected & trial to begin 6-23-76, at 10:00 A.M.(AEB-J)b
6-21		Return on service of civil subpoena, filed. Served Joe Carlile on 6-17-76 at Tulsa, Okla.s
6-21	14.	Deft's affidavit re exhibits, filed.s
6-21	15.	Deft's trial brief, filed.s
6-21	16.	Deft's requested instructions, filed.s
6-22	17.	Stipulation of parties, filed. b
6-22		Return of service of civil subpoena, filed. Served F. L. Dunn, III on 6-22-76 at Tulsa, Ok.s
6-23		Return on service of civil subpoena, filed. Served C. L. Spencer on 6-22-76 at Tulsa, OK.k
6-23	18.	Pltf's exhibit affidavit, filed.k
6-23	19	Applic. for WHCAT, filed. b
6-23	20.	Order granting WHCAT re Sharon Wright Bennett for trial 6-23-76, filed. (AEB-J) Writ issued.k

PLAINTIFF	DEFENDANT	DOCKET NO. _____
SMALL, RAETTA	SAFEWAY STORES, INC.	PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
1976		
6-23	20	Pltf's requested instructions, filed.s
6-23	21	Pre-trial order, filed.(AEB-J)b
6-23	23	Subpoena ret., served on Rick Dunn 6-23-76. b
6-24	22	Deft's requested instructions 11 & 12, filed. b
6-24	24	Subpoena, ret. & filed: served Roy Nuttall 6-23-76, and David Moss on 6-22-76. (USM \$4.00)g
6-24	23	Deft's requested instruction #13, filed. b
6-24	25	Subpoenae, ret. & filed: Larry Johnson and Ron Ford served 6-24-76 by Jerry Lewis. g
6-25		Case tried to Jury on 6-23, 6-24 & 6-25-76. Parties present & announce ready. Jury previously selected on 6-14 & sworn on 6-23-76. Rule invoked. Parties make opening statements & Pltf. presents case in chief; witnesses sworn & testify. Pltf rests & Deft's motion to demurrer evidence is overruled. Deft. presents case in chief; witnesses sworn & testify. Parties present rebuttal evidence w/test. of witnesses & parties rest. Stipulations read to jurors. Closing arguments made & Ct. instructs jury. Parties make record. (6-25, 11:25 A.M.) Ct. orders Jury to lunch at Govt. expense. (1:00 P.M.)Jury retires to deliberate. (1:50 P.M.) Note from Jury foreman; Jury returned to Ct. & Ct. ansu question, & Jury returns to deliberation at 1:55 P.M. (6-25, 4:40 P.M.) Jury returns w/verdict. Verdict, received, read & filed in open court, finding in favor of the Pltf. & against Deft. & assess actual damages in amt. of \$5,000 & punitive damages in the amt. of \$5,000. At request of Deft. co. Jury is polled & is discharged. Ct. orders verdict spread of record. Deft. makes motion that Ct. set aside verdict & enter Judgment for Deft. notwithstanding verdict. Ct. takes motion under advisement.(AEB-J)b
6-25	26.	Verdict, filed in open court.b
6-25	27.	Note from Jury, filed. b
6-25	28.	Trial exhibits,in file. b
6-25	29.	WHCAT, ret. & filed: Sharon Wright Bennet transported from Tulsa County Jail to USDC and returned to Jail on 6-23-76. g
7-1	30.	Deft's motion to substitute exhibits No. 6 & 7 w/photocopies thereof, filed.s
7-1	31.	Brief in support of motion to substitute exhibits, filed.s 0 to J
7-1	32.	Deft's motion for judgment in accordance with motion for directed verdict or in the alternative for a new trial, filed.s
7-1	33.	Brief in support of deft's motion for judgment in accordance w/mo for directed verdict or for new trial, filed.s
7-2	MO:	It is ordered by the Court that the pltf. file a responsive brief w/ in 10 days to deft's mot. for judgment in accordance w/ mot. for directed verdice or in the alternative for new trial. (AEB-J)k cp mld
7-6		Reporter's transcript of proceedings had on 6/25/76,instructions to the jury, filed. (G. Dorrough-CR) rm -
7-7		Reporter's transcript of proceedings had on 6-25-76, partial transcript, filed. Glen R. Dorrough, U.S. Court Reporter.k
7-9	34.	Order, filed, that the Clerk make a photocopy of pltf's exhibits No. 6 and 7, replace the original exhibits w/ said copies, and deliver the original exhibits to deft. (AEB-J)k cps & exhibits mld

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
Raetta Small		Safeway Stores, Inc.	PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
7-9-76	35	Suppl. of brief in support of def't's mot. for judgment in accordance with mot. for directed verdict or for new trial, filed. g
7-12	36	Pltf's mot. for ext. of time to respond to mot. for judgment in accordance with mot/directed verdict, etc., filed. g
7-14	37.	Order allowing Pltf. until July 16, 1976, to respond to Deft's motion for directed verdict or new trial, filed. (AEB-J)b cps mld
7-16	38	Appl. for ext. of time to ans. def't's brief, filed. g
7-16	39	Order, filed, granting pltf. 7 days from date to respond to def't's. motion, filed.s (AEB-J) cps. mld.
7-23	40	Pltf's brief in opposition to def't's motions for judgment N.O.V. or a new trial, filed.s
7-27	41	Deft's reply brief to pltf's brief in oppo. to def't's mots. for judgment N.O.V. or for a new trial, filed.k
8-31	42.	Order, filed, ^{that} def't's mot. for Judgment in accordance with mot. for directed verdict is overruled. Further, that pltf. remit the sum of \$5,000.00, failing which the Ct. will grant the Mot. for New Trial within 5 days from this date, otherwise said mot. for new trial is overruled. (AEB-J)s cps. mld.
12-2	43.	Judgment of Dismissal filed and entered that the verdict ret. by Jury on 6-25-76 is set aside and held for naught, and pltf's action dismissed with prejudice to the refiling thereof, and neither pty. shall have or recover costs of and from other pty. (AEB-J)lm cps mld